THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17727 of 2006

25.8.2006

Between:

S.Aswinin Kumar, S/o.S.Malla Rao

… Petitioner

AND

The Secretary to Government of Andhra Pradesh,
Revenue Department, Secretariat, Hydeabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17727 of 2006

ORDER:

The petitioner is statedly purchased the land admeasuring 488.88 Sq.yards (plot No.100) in survey No.74/6 situated in the layout of Balamrai Coop Housing Society Limited, Mahendra Hills, Secunderabad. He purchased the same from one Smt.Ch.Nirmala Devi @ Ch.Sarojini Devi, W/o.Ch.Ram Chander Rao for a consideration of Rs.15,00,000/- and took possession of the land. It is alleged that on 22.4.2006 the petitioner presented sale deed before the third respondent for registration. The third respondent received the sale deed under P.No.61 of 2006 and issued receipt No.5461 dated 22.4.2006 and it is pending with the third respondent. Alleging that the action of the third respondent in not registering and releasing the document placed before him as illegal and arbitrary, the present writ petition is filed.

Heard learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 and 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004 dated 01.9.2004.

Following the above, this writ petition is disposed of directing the third respondent or any other Registering Officer, that as and when the petitioner submits the document for registration, the same may be accepted and considered for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of

the Registering Officer to record and furnish reasons under Section 71 of the Act. No costs.

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(**V.V.S.RAO,J**)

August 25, 2006.

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